

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 12 and 20 have been amended. Claims 19 and 26-30 have been canceled. No claims have been added. Thus, claims 1-18 and 20-25 are pending.

CLAIM REJECTIONS – 35 U.S.C. § 102(b) AND (e)

Claims 1-6, 9-16, 20-25, 28 and 29 were rejected as being anticipated by U.S. Patent No. 6,347,375 issued to Reinert, et al. (*Reinert*). Claims 28 and 29 have been canceled. Therefore, the rejection of claims 28-29 is moot. For at least the reasons set forth below, Applicants submit that claims 1-6, 9-16 and 20-25 are not anticipated by *Reinert*.

Claim 1 recites:

initializing a virus scanner during a pre-boot phase of a computer system from firmware that is embedded within the computer system;
scrubbing data read from an input/output (I/O) device of the computer system by the virus scanner using a virus signature database before the data is loaded, wherein the virus signature database is stored in a place not exposed to the operating system and is updated during the pre-boot phase; and
enacting a platform policy if a virus is detected in the data.

Thus, Applicants claim the virus scanner in the firmware. Claims 12 and 20 similarly recite the virus scanner in the firmware.

Reinert discloses the virus scanner from and controlled by a remote computer system. See Abstract. Thus, the virus scanner is not stored in or loaded from firmware. Therefore, *Reinert* cannot anticipated the invention as recited in claims 1, 12 and 20

Claims 2-6 and 9-11 depend from claim 1. Claims 13-16 depend from claim 12. Claims 21-25 depend from claim 20. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2-6, 9-11, 13-16 and 21-25 are not anticipated by *Reinert* for at least the reasons set forth above.

Claim 27 was rejected as being anticipated by U.S. Patent No. 7,188,369 issued to Ho (*Ho*). Claim 27 has been canceled. Therefore, the rejection of claim 27 is moot.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 7, 8, 17 and 18 were rejected as being unpatentable over *Reinert* in view of *Ho*. Applicants agree with the Office Action that *Reinert* does not disclose VMMs or VMs. See Office Action at page 6. *Ho* is cited to VMMs or VMs. *Id.* However, *Ho* does not cure the deficiencies of *Reinert* with respect to firmware. Therefore, the combination of *Reinert* and *Ho* does not result in the invention as recited in claims 7, 8, 17 and 18.

Claims 19, 26 and 30 were rejected as being unpatentable over *Reinert* in view of U.S. Patent No. 6,907,524 issued to Huntington, et al. (*Huntington*). Claims 19, 26 and 30 have been canceled. Therefore, the rejection of claims 19, 26 and 30 is moot.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-18 and 20-25 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present

application. Please charge any shortages and credit any overcharges to our Deposit

Account number 02-2666.

Respectfully submitted,
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